

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Implementation of the Pay Telephone)
Reclassification and Compensation)
Provisions of the Telecommunications)
Act of 1996)

Docket # DOCKET FILE COPY ORIGINAL
~~Case No.~~ 96-128

**MOTION FOR EXTENSION OF TIME OF THE
AMERICAN PUBLIC COMMUNICATIONS COUNCIL**

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Pursuant to Section 1.46 of the Commission's Rules, the American Public Communications Council ("APCC") requests a brief (three business days) extension of the time period for filing reply comments in response to the Commission's Public Notice in these proceedings, Pleading Cycle Established for Petitions to Waive Payphone Coding Digits Requirements, DA 97-2214, released October 20, 1997 ("Notice").

This Public Notice requests comments on a series of requests for waiver of payphone coding digits transmission requirements that are a prerequisite to payment of the per-call payphone compensation recently prescribed by the Commission. Timely receipt of the 28-cents per call compensation is essential to the economic survival of the independent payphone industry that APCC represents.

Under the very short pleading cycle established by the Commission's Notice, comments in these proceedings are due October 30, 1997, and reply comments are due November 6, 1997. As APCC will show in its comments, which it plans to file on

October 30, 1997, there are many difficult issues to consider and resolve with respect to payphone coding digits. Resolution of the payphone coding digit issues addressed in these proceedings will be of critical importance to the future of the independent payphone industry represented by APCC. Without resolution of these issues, it is possible that payphone providers will be unable to collect fair compensation for the use of their payphones, as mandated by Section 276 of the Act -- an outcome that would be economically disastrous for independent PSPs. 47 U.S.C. § 276(b)(1)(A). It is thus crucial that APCC have sufficient time to hear the views of its members on the coding digit issues and to incorporate those views in its reply comments to the Commission.

The very short pleading cycle established by the Commission's October 20th Notice conflicts with a previously scheduled APCC conference and does not give APCC adequate time to collect its members' views on these critical coding digit issues and incorporate them into APCC's reply comments. Prior to establishment of the Commission's pleading cycle, APCC scheduled its Board of Directors' meeting, seminar program, trade show and related meetings for the week of November 3-7, 1997 in Atlanta, Georgia. Scheduled during the week of November 3-7, 1997 are numerous meetings and conference events that require the attendance and participation of the attorneys responsible for the preparation of APCC's reply comments. The scheduled meetings include APCC steering committee meetings. The steering committees determine APCC's positions in regulatory affairs, which includes APCC's position regarding the payphone screening digits issues. (These steering committee meetings were scheduled before the Commission's short pleading cycle on the

payphone screening digit issues was released.) Thus, APCC will not have adequate time to retrieve comments filed at the Commission on October 30, gather the viewpoints of its members on the payphone coding digits, conduct its steering committee meetings, and prepare reply comments by November 6.

Additional time is particularly important because other industry segments (i.e., LECs and IXC's) are likely to express widely diverging views on the complex issues raised. If the Commission grants APCC's request for a brief extension of the time to file its reply comments, then during the week of November 3-7, APCC would have an opportunity to present the proposals of other parties to its steering committees and members and to incorporate their responses to those proposals in APCC's reply comments.

The Commission has recognized that trade shows and seminar programs, where members of the trade association will be present, are forums suited to gathering views that are of use to the Commission. See Competition in the Interstate Interexchange Marketplace, CC Docket No. 90-132, Order, 5 FCC Rcd 3450, and Order, 5 FCC Rcd 3530 (CCB 1990) (granting Comptel an additional six-day extension of time) ("Interexchange Marketplace"). The reasons for granting an extension of time in Interexchange Marketplace are exactly apposite here. A brief three-business day extension of time will enable APCC to complete work on its reply comments after it has had an opportunity to gather the views of its membership during the conference, and incorporate into those reply comments input received from its members.

CONCLUSION

For the reasons set forth herein, the Commission should extend the time for filing reply comments in these proceedings for three business days, or until November 11, 1997.

Dated: October 29, 1997

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 29, 1997, I caused a copy of the foregoing Motion For Extension Of Time Of The American Public Council to be sent by first class mail, postage prepaid, to:

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